

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER B. SMITH,
Plaintiff,

v.

CONTRA COSTA COUNTY SHERIFF'S
DEPARTMENT, et al.,
Defendants.

Case No. 13-cv-01022-JST (PR)

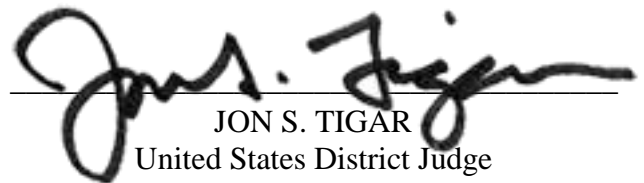
**ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS ON
APPEAL**

Plaintiff, a California prisoner, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the referral notice from the United States Court of Appeals for the Ninth Circuit, the Court finds that the appeal is frivolous and therefore leave to proceed in forma pauperis on appeal is DENIED. See 28 U.S.C. § 1915(a)(3); Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002).

The Clerk shall transmit a copy of this order to the Court of Appeals.

IT IS SO ORDERED.

Dated: January 22, 2014


JON S. TIGAR
United States District Judge